

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

<i>In Re Innovatio IP Ventures, LLC, Patent Litigation</i>	Case No. 1:11-cv-09308
This Document Relates To:	Judge James F. Holderman Magistrate Judge Sidney Schenkier
<i>Innovatio IP Ventures, LLC v. Texas Instruments Incorporated</i> , Case No. 14-cv-01544 (N.D. Ill.) (Holderman, J.)	

**PARTIES' AGENDA FOR THE SEPTEMBER 18, 2014
STATUS CONFERENCE BEFORE JUDGE HOLDERMAN**

In preparation for the upcoming September 18, 2014 status conference before Judge Holderman in the above-captioned matter, counsel for Innovatio IP Ventures, LLC (“Innovatio”) and Texas Instruments Inc. (“TI”) jointly submit the following agenda:

1. Status of Settlement Negotiations

Since the July 8, 2014 status conference, Innovatio and TI have remained engaged in good faith RAND licensing negotiations. Specifically, after the July 8, 2014 hearing, the parties scheduled a settlement conference with Magistrate Judge Schenkier, exchanged confidential settlement letters pursuant to Judge Schenkier’s protocol, and participated in the settlement conference on August 5, 2014. Although the parties were not able to resolve their dispute at the settlement conference, Judge Schenkier assisted the parties in “narrowing the gap” between their respective settlement positions and identifying certain discrete issues that, if resolved, would almost certainly allow them to close the gap and settle this case. Despite their inability to reach a settlement at the August 5, 2014 conference, the parties engaged in a further round of negotiations in late August and early September 2014. Again, however, they were unable to resolve the dispute. On September 12, 2014, TI answered Innovatio’s complaint. (See Case No.

14-cv-1544, Dkt. No. 30.) Counsel for the parties have discussed the matter and agree that the Court's early resolution of certain damages and indirect infringement issues will position the case for settlement. Subject to the Court's approval, the parties' proposal in this regard is generally summarized below.

2. Proposed Initial Case Management Plan

Subject to the Court's approval, the parties jointly request that the Court suspend the default requirements of the Local Patent Rules while the parties conduct an initial case phase focusing on certain damages and indirect infringement issues. At the outset of the initial phase, Innovatio will identify the asserted claims of the patents-in-suit. During the initial phase, the parties will focus exclusively on (i) the marking and notice requirements of 35 U.S.C. § 287, and (ii) TI's potential liability for indirect infringement based on foreign sales. At the conclusion of the initial phase, TI would expect to file one or more motions for summary judgment that Innovatio's potentially recoverable damages are limited by the statutory marking/notice requirements, and because TI's foreign sales cannot as a matter of law result in liability for contributory infringement or inducement of infringement.

The parties further agree that, during the initial phase, the parties will conduct 60-90 days of discovery directed to damages, notice, and indirect infringement issues. The parties are currently considering the possibility of stipulations that might streamline resolution of the issues in the proposed initial phase (e.g., whether section 287's marking requirement has been met, etc.).

If the parties or counsel believe that a further settlement conference would make sense at any point during the proposed initial phase, they would so advise the Court.

Respectfully submitted,

Dated: September 15, 2014

/s/ Matthew G. McAndrews

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CERTIFICATE OF SERVICE

I hereby certify that on September 15, 2014 a true and correct copy of the foregoing **PARTIES' AGENDA FOR THE SEPTEMBER 18, 2014 STATUS CONFERENCE BEFORE JUDGE HOLDERMAN** was electronically filed with the Court via the CM/ECF system which sent notification of such filing to all Counsel of Record.

Dated: September 15, 2014

/s/ Matthew G. McAndrews
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